

REMARKS

In the final Office Action, the Examiner rejects claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45 under 35 U.S.C. § 103(a) as being unpatentable over SHKEDY (U.S. Patent No. 6,260,024).

By way of this amendment, Applicant proposes amending claims 14, 24, 43, and 44 herewith to improve form. No new matter has been added by way of the present amendment. Applicant respectfully requests that the present amendment be entered because the present amendment improves the application for appeal. Claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45 remain pending.

Claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over SHKEDY. Applicant respectfully traverses this rejection with respect to the claims as now amended.

For example, independent claim 42, as previously amended, is directed to a monetary transaction system. The system includes a payment processing system configured to receive payee, user, and amount information from a wireless device associated with the user, identify a first account associated with the user based on the user information, identify a second account associated with the payee based on the payee information, transfer funds based on the amount information between the first account and the second account, and send a notification of the transfer of the funds to the wireless device, the notification including an itemization of goods or services associated with the transfer. SHKEDY does not disclose or suggest this combination of features.

For example, SHKEDY does not disclose or suggest a payment processing system sending a notification of the transfer of funds to the wireless device, the notification including an *itemization of goods or services associated with the transfer*. The Examiner relied on col. 6, lines 40-47, col. 8, lines 57-65, col. 10, lines 48-52, and col. 17, lines 61-64 of SHKEDY as allegedly disclosing the claimed notification step (Office Action, pg. 3). Applicant respectfully submits that these sections of SHKEDY do not disclose or suggest sending a notification including an itemization of goods and services associated with the transfer, as recited in claim 42.

At col. 6, line 40-47, SHKEDY discloses:

Under the present invention, communications between the various parties may be transmitted via numerous means including a world-wide-web interface, personal digital assistant (PDA), electronic mail, voice mail, facsimile, or postal mail. Other means not explicitly enumerated herein but known to one ordinarily skilled in the art are also within the scope of the invention.

This section of SHKEDY discloses communications between parties as being transmitted by various electronic and non-electronic means. This section of SHKEDY does not disclose or suggest sending notifications to a wireless device including an itemization of goods and services associated with the transfer, as recited in claim 42.

At col. 8, lines 57-65, SHKEDY discloses:

As shown in FIG. 1, an apparatus of the present invention comprises seller interface 300, central controller 200, and buyer interface 400 (collectively the "nodes"). Each node is connected via an Internet connection using a public switched phone network, such as those provided by a local or regional telephone operating company. Connection may also be provided by dedicated data lines, cellular, Personal Communication Systems ("PCS"), microwave, or satellite networks. Other embodiments may use other known means of communication not enumerated herein.

This section of SHKEDY discloses that the seller and buyer interfaces as well as the central controller are connected via an Internet connection or other network connections. This section of SHKEDY does not disclose or suggest sending notifications to a wireless device including an itemization of goods and services associated with the transfer, as recited in claim 42.

At col. 10, lines 48-52, SHKEDY discloses:

Purchase confirmation database 275 tracks the messages sent to the buyer and seller confirming completed transactions. Fields include buyer name, buyer ID number, seller name, seller ID number, purchase confirmation tracking number, and associated PPO tracking number.

This section of SHKEDY discloses that messages are sent to the buyer and seller confirming complete transactions. These messages are stored in a database having fields relating to buyer name, seller name, etc. This section of SHKEDY does not disclose or suggest that the messages include an itemization of goods and services associated with the transfer, as recited in claim 42.

At col. 17, lines 61-64, SHKEDY discloses:

At step 1000, the seller receives a purchase notification. As mentioned above, this could occur in a variety of mechanisms including PDAs, beepers, etc.

This section of SHKEDY discloses that purchase notifications may be send via wireless devices, such as beepers, etc. It should be noted that this purchase notification is sent to the seller (i.e., the payee) and occurs prior to the transacting of the purchase at step 1010 and subsequent funds transfer at step 1050 (see col. 17, line 64 - col. 18, line 15).

This section of SHKEDY does not disclose sending a notification of the transfer of the funds to the wireless device *associated with the user*, the notification including an

itemization of goods or services associated with the transfer. Rather, any notifications disclosed in SHKEDY relate only generally the potential transaction and fail to disclose or suggest the inclusion of itemized goods and services information.

For at least the foregoing reasons, Applicant submits that claim 42, as amended, is patentable over SHKEDY.

Claims 2-6, 8, and 9 depend from claim 42. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 42.

Independent claim 43, as amended, is directed toward a method for performing a monetary transaction. The method includes receiving payee, user, and amount information from a wireless device associated with a user, identifying a first account associated with the user based on the user information, prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee information, and transferring funds based on the amount information between the first account and the second account. SHKEDY does not disclose or suggest this combination of features.

For example, SHKEDY does not disclose or suggest prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee information. SHKEDY is completely silent with respect to this feature.

Since SHKEDY does not disclose the combination of features in Applicant's claim 43, any rejection of claim 43 under 35 U.S.C. § 103(a) based on SHKEDY would be improper.

Claims 12-16, 18, and 19 depend from claim 43. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 43.

Independent claim 44 recites features similar to features recited above with respect to claim 43. Therefore, claim 44 is patentable over SHKEDY for reasons similar to the reasons given above with respect to claim 43.

Claims 22-26, 28, and 29 depend from claim 44. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 44.

Independent claim 45 recites features similar to features recited above with respect to claim 42. Therefore, claim 45 is patentable over SHKEDY for reasons similar to the reasons given above with respect to claim 42.

Claims 32-36, 38, 39, and 41 depend from claim 45. Therefore, these claims are patentable over SHKEDY for at least the reasons given above with respect to claim 45.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By:

Robin C. Clark
Registration No. 40,956

Date:

11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800